

### **REMARKS**

The present amendment is submitted in response to the Non-Final Office Action mailed April 30, 2008. Claims 1-20, 22-26 and 28-36 are currently pending in the application. Claims 1, 6, 13, 19, 20, 24 and 25 have been amended. Claims 30-36 have been added. No new matters or issues are believed to be introduced by this amendment. In view of the amendments above and remarks to follow, favorable consideration and allowance of this application is respectfully requested.

#### ***Claim Rejections under 35 USC 112***

In the Office Action, claims 1, 6, 13, 19 and 20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Claims 1, 6, 13, 19 and 20 have been amended in a manner which is believed to overcome the rejections.

#### ***Claim Rejections under 35 U.S.C. §102(b)***

The Office has rejected claims 1-29, at paragraphs 3-4 of the Office Action, under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,905,957 ("Olds").

It is respectfully submitted that the cited portions of Olds fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Olds do not disclose or suggest, "each mobile device comprising a module configured for insertion into the mobile device, the module facilitating unambiguous identification of the mobile device within the communications system", as recited in claim 1 (emphasis added). In contrast to claim 1, Olds teaches a system 10 including a constellation of satellites 14 placed in relatively low orbit around the earth. The System 10 additionally

including one or more switching offices (SOs) 16 which reside on the surface of the earth and are in data communication with nearby ones of satellites 14 through RF communication links 18. System 10 also includes a population, with millions of members, of mobile subscriber units 24. The mobile units are configured to engage in communications with satellites over portions of the electromagnetic spectrum. (*See* Olds, col. 4, lines 15-24). The system 10 of Olds also includes any number of subscriber information managers (SIMs). Each *SIM* may maintain a subscriber database that is relevant to only a discrete portion of the mobile units 24. Each mobile unit is assigned to one of the *SIMs* and that one *SIM* 28 is considered the “home” *SIM* 28 for the mobile unit 24. Further, each SO 16 may communicate with any *SIM* 28 through constellation 12, PSTN 22, or another communication path. (*See* Olds, col. 4, lines 24-35).

The system 10 of Olds represents a network of nodes. Each mobile unit 24, satellite 14, SO 16, and *SIM* 28 represents a node of system 10. All nodes of system 10 are or may be in data communication with other nodes of system 10 through communication links 18, 20, and/or 26. In addition, all nodes of system 10 are or may be in data communication with other telephonic devices dispersed throughout the world through PSTNs 22. (*See* Olds, col. 4, lines 36-45). The *SIM* 28 nodes taught of Olds represent discrete nodes of system 10 (*See* Fig. 1 of Olds). It is respectfully submitted that these discrete stand-alone *SIM* 28 nodes are different from modules configured for insertion into a mobile device. Therefore, the cited portions of Olds do not teach or suggest “each mobile device comprising a module configured for insertion into the mobile device, the module facilitating unambiguous identification of the mobile device within the communications system”, as recited in claim 1 (emphasis added). Therefore claim 1 is allowable.

In further contrast, the cited portions of Olds do not teach or suggest, “wherein each mobile device comprises determination means for determining whether the mobile

device is located inside the at least one subscriber territory, wherein the determination means are arranged in one of the module or in a remotely accessible determination unit”, as in claim 1. Olds teaches that system-related communication needs to take place between mobile units and system components so that the system can gain useful information, such as locations for mobile units and the like. (*See Olds*, Col. 1, lines 35-40). It is submitted that Olds teaches away from this claim feature. Specifically, Olds teaches that end-user control of location information makes the communication system vulnerable to pirating of communication services. (*See Olds*, col. 2, lines 1-10).

Claims 2–19 depend from claim 1, which Applicants have shown to be allowable. Accordingly, claims 2-19 are also allowable, at least by virtue of their dependence from claim 1.

It is also respectfully submitted the cited portions of Olds fail to disclose or suggest the specific combination of claim 20. For example, the cited portions of Olds do not disclose or suggest, at least “a communication system being divided into a plurality of location areas, each location area including at least one radio cell, and assigning at least one subscriber territory to a mobile device, the subscriber territory being defined according to three parameters, a subscriber X-coordinate position, a subscriber Y-coordinate position and a subscriber radius R, the three parameters collectively defining a circular subscriber territory within a total territory of the communication system”, as recited in claim 20. In contrast to claim 20, as recited above, Olds teaches a system comprising a network of nodes where each mobile unit 24, satellite 14, SO 16, and *SIM* 28 represents a node of system 10. All nodes of system 10 are or may be in data communication with other nodes of system 10 through communication links 18, 20, and/or 26. In addition, all nodes of system 10 are or may be in data communication with other telephonic devices dispersed throughout the world through PSTNs 22. (*See Olds*, col. 4, lines 36-45). It is respectfully submitted that

teaching a network of nodes, where the nodes are in communication with other nodes is different from a communication system being divided into a plurality of location areas, each location area including at least one radio cell, and assigning at least one subscriber territory to a mobile device, the subscriber territory being defined according to three parameters, a subscriber X-coordinate position, a subscriber Y-coordinate position and a subscriber radius R, the three parameters collectively defining a circular subscriber territory within a total territory of the communication system”, as recited in claim 20. Therefore, Olds does not teach at least one element of claim 20. Therefore, claim 20 is allowable.

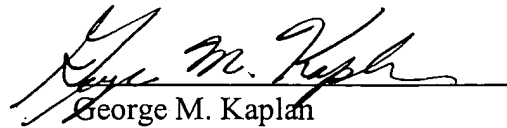
Claims 22–26 and 28-29 depend from claim 1, which Applicants have shown to be allowable. Accordingly, claims 22-26 and 28-29 are also allowable, at least by virtue of their dependence from claim 20.

The remaining art of record has not been applied against the claims and will not be discussed further at this time.

Therefore, in view of the foregoing amendment and accompanying remarks, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. A petition for an automatic two month extension of time for response under 37 C.F.R. §1.136(a) is enclosed (in duplicate) together with the requisite petition fee and fee for additional claims introduced herein.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "G. M. Kaplan", is written over a horizontal line.

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